

1 HONORABLE JOHN C. COUGHENOUR
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA,)
10 Plaintiff,) NO. CR05-181JCC
11 v.)
12 GERALD ALAN SHERMAN,) ORDER CONTINUING
13 Defendant.) TRIAL DATE AND
14) FINDING EXCLUDABLE
TIME
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Based on representations made by counsel for the defendant and the record in this case, the Court hereby makes the following findings and enters the following order:

1. Trial in this case presently is scheduled to begin on October 2, 2006.

Defendant Gerald Alan Sherman has moved to continue the trial until November 27, 2006.

2. Counsel for the defendant in this case has represented that he also is counsel for the defendant in *State v. Anthony-Jones* in King County Superior Court. The prosecutor's motion to continue that trial until September 18, 2006 was granted over defense objection. That trial is expected to last three to four weeks, which would overlap with the scheduled trial in this case.

3. The government does not oppose the motion for a continuance because of its position that it is in the public's interest to preserve continuity of counsel for the defendant in this case.

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4. The defendant has filed a waiver of his speedy trial rights until December 27, 2006 (Dkt. No. 69) and acknowledges that a finding of excludable time under the Speedy Trial Act supports the proposed continuance.

5. The Court finds that failure to grant the continuance would unreasonably deny the defendant continuity of counsel. 18 U.S.C. § 3161(h)(8)(B)(iv).

6. Accordingly, the Court finds that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial, and that a failure to grant a continuance under these circumstances would result in a miscarriage of justice as described in 18 U.S.C. § 3161(h)(8)(A).

Based on these findings,

IT IS HEREBY ORDERED that the trial date is continued from October 2, 2006 to November 27, 2006.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. § 3161(h), the period of time from October 2, 2006 to November 26, 2006 is excluded in the computation of time under the Speedy Trial Act.

DATED this 18th day of September, 2006.

/s

HON. ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Tate London
J. TATE LONDON
Assistant United States Attorney

s/ Mark P. Parrent
MARK P. PARRENT
Attorney for Defendant

* Per Telephonic Approval
STEPHAN R. ILLA
Attorney for Defendant

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